



UNITED SOUTH AND EASTERN TRIBES, INC.
711 Stewarts Ferry Pike • Suite 100 • Nashville, TN 37214
Telephone: (615) 872-7900 • Fax: (615) 872-7417

August 26, 2005

Kevin J. Martin, Chairman
Federal Communications Commission
445 12th Street, SW, Room 8B201
Washington, DC 20554

Re: Request for Meeting

Dear Chairman Martin:

On behalf of the 24 member tribes of the United South and Eastern Tribes, Inc. (USET), I would like to extend our congratulations on your appointment to the Federal Communications Commission (FCC) chairmanship. USET looks forward to continuing to work closely with you in the positive and pragmatic spirit that has typified the USET-FCC relationship in recent years.

I am writing to request an opportunity to meet with you regarding the implementation of the Nationwide Programmatic Agreement (NPA) and the USET – FCC Best Practices Agreement (BPA). I come to Washington nearly every other week and will be in Washington on Thursday, September 1 and Friday, September 2. I will follow up this letter with a call to your office about setting a convenient date and time.

I am particularly interested in talking about the extraordinary progress that tribes have seen since the publication of the NPA, as well as several issues that have arisen that are slowing further progress but, in the opinion of USET, are very addressable. Yesterday, I attended a regional roundtable hosted by the Alabama, Georgia and Tennessee Wireless Associations. Nearly two hundred participants, including representatives of State Historic Preservation Offices, tower "build-to-suit" companies, environmental and archaeological companies and tribes, met to discuss wireless telecommunications projects and historic preservation. This kind of spontaneous, grassroots event would never have occurred if not for the FCC's support.

USET has also had extensive ongoing discussions with individual telecom companies and CTIA, providing assistance in working with particular tribes as well as

"Because there is strength in Unity"

discussing systemic ways that we can improve the process. One issue that industry raises repeatedly is timeliness and the non-responsiveness of some tribes. USET knows that for the tribal rights that are now protected by the NPA to remain secure the process has to, within reason, provide certainty and timeliness to tower builders and telcom companies. The Best Practices Agreement is intended to do that by providing tribes three chances to be contacted – twice by industry and once by the FCC. USET considers this to be sufficient notice. If a tribe does not respond to these contacts, although the FCC will remain responsible under the law to take into account possible adverse effects by a tower on tribal sites from both an historic preservation and environmental perspective, it is not necessary to keep going back to the tribe *ad infinitum*. A non-responding tribe, through its inaction after repeated notification, has essentially chosen, as is their sovereign right, not to participate in the process.

There is an important cultural change occurring across the country as telcom companies and their consultants reach out to tribes. USET is excited about this new level of activity and interaction, but as with any new relationship there are issues that need to be addressed and opportunity for further growth. Your continued support for this process is critical to its success and greatly appreciated.

Again, congratulations on your chairmanship. Please let me know if USET can of assistance to you at any time.

Sincerely,

A handwritten signature in cursive script that reads "James T. Martin".

James T. Martin
Executive Director